IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20997 of 1994

Between:

T.Chinna Kesavaiah, S/o. T.Pedda Kesavayya,
R/o. Govindapalli, Allagadda (M),
Kurnool Dist.

..... PETITIONER

AND

1 The Collector & Dist.Magistrate, Kurnool.
2 The Mandal Revenue Officer, Repally,
Kurnool Dist.
3 M/s. Syndicate Bank, rep.by it's Deputy General Manager,
Bombay Zonal Office, Bombay-400 005.
4 M/s. Syndicate Bank, rep.by it's Deputy General Manager,
Hyderabad Zonal Office, Somajiguda,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the 1st respondent in canceling the Scheduled Tribe Certificate of the petitioner and not sending a copy of the cancellation order to the petitioner is arbitrary and illegal and direct the respondents to forbear from taking any action against the petitioner and continue to identify him as belonging to Scheduled Tribe and allow all consequential benefits.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for Respondents 1 and 2: GP for Revenue

Counsel for the Respondent No.3 and 4: MR.K.SRINIVASAMURTHY

The Court made the following:

ORDER:

The petitioner herein claiming to be belonged to scheduled tribe filed this Writ Petition, inter alia, challenging the action of the first respondent in cancelling the scheduled tribe caste certificate of the petitioner.

The case of the petitioner, in brief, is that he belongs to Valmiki, which squarely falls within the definition of Scheduled Tribe. However, having regard to the residence, the respondents are denying the same. Hence, this writ petition.

On a consideration of the submissions made and on perusal of the material on record, it is seen that the order of cancellation is on 29.06.1992 passed by the respondent no.1 herein. Subsequently, charge sheet has been laid by the respondents 2 to 4 on 12.10.1992. As long as the petitioner does not make proper challenge to the proceedings dated 29.06.1992, he cannot get any relief further against such order. The petitioner also sufficiently provided with the alternative remedy.

In view of the same, I do not find any merit to grant any relief to the petitioner.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to avail any remedy available under law.

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02-09-2004

kvrm/skmr

To

1 The Collector & Dist.Magistrate, Kurnool.

2 The Mandal Revenue Officer, Repally,
Kurnool Dist.

3. 2 CC to GP for Revenue, High Court Bldg.Hyd. (OUT)

4. 2 CD copies.